THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22791 of 2000

Dated: 08-08-2005

Between:

P.L. Bhatnagar. .. Petitioner.

And

The Secretary, A.P.S.E.B.,

Hyderabad and two others. ..Respondents.

THE HON'BLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.22791 of 2000

ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to the impugned Memo No.SE/OP/M/Hyd/Adm.A3/D.No.2417/2000, dated 19-02-2000 on the file of the second respondent and quash the same as arbitrary and illegal, and consequently to direct the respondents to fix the pay of

the petitioner in the cadre of Senior Line Inspector Grade I from the date his junior promoted to the said cadre, with all benefits.

It is the case of the petitioner that on 11-05-1957, he was appointed as a Wireman in the respondent-organisation. Subsequently on 01-04-1964, he was promoted as a Line Inspector and was further promoted as a Senior Line Inspector Grade II on 12-11-1981. While so, his juniors were promoted to the post of Senior Line Inspector Grade-I denying his rightful promotion to the said cadre. Therefore, he filed W.P.No.19510 of 1995 and the same was disposed of, by order dated 30-03-1999, directing the respondents to consider the representation of the petitioner for being promoted to the post of Foreman/Senior Line Inspector Grade I. Pursuant to the said orders of this Court, the representation of the petitioner was considered and the impugned proceedings dated 19-02-2000 were issued rejecting the claim of the petitioner for promotion on par with his juniors.

A detailed counter-affidavit has been filed on behalf of the respondents denying the allegations made by the petitioner asserting that the contention that the juniors to the petitioner were promoted as Senior Line Inspector Grade I, prior to the petitioner being promoted to the said cadre was not correct since no unqualified person who is junior to the petitioner was promoted prior to the petitioner. Therefore, the impugned proceedings do not suffer from any infirmity warranting interference of this Court.

I have given my earnest consideration to the submissions made by the learned counsel on either side and perused the material available on record.

The learned counsel for the petitioner produced a letter dated 08-08-2002 addressed to the Deputy Secretary (HRD), A.P.E.P.D.C.L., Red Hills, Hyderabad, by the Deputy Secretary (Estt.), A.P. Transco, Vidyut Soudha, Hyderabad, who, according to the petitioner, had examined all the material placed before him. In the said letter the Deputy Secretary (Estt.) requested the Deputy

Secretary (HRD), A.P.E.P.D.C.L., to take appropriate action to settle the issue of the petitioner (Retd.) for promotion on par with Mr. Francis and to settle arrears on promotion and revised pensionary benefits etc., under intimation to A.P. Transco and to furnish the detailed report to the Government. According to the petitioner despite the said letter dated 08-08-2002, the respondent-organisation failed to take any steps in that regard as of now. In that view of the matter, it would suffice to direct the respondents to pass appropriate orders on the said letter.

In view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, the respondents are directed to pass appropriate orders on the letter dated 08-08-2002, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

_____ **(C.V.RAMULU, J)**

Date:08-08-2005

Note:

Issue CC in three days.

B/o

ghn